



BRIEFING No. 10

SADAKA صدقة

The Ireland Palestine Alliance ♦ www.sadaka.ie

THE BLOCKADE OF GAZA MUST BE LIFTED - COMPLETELY

The Agreement on Movement & Access must be fully implemented

By Dr. David Morrison

The Free Gaza flotilla set out to draw attention to Israel's blockade of Gaza and to deliver much needed humanitarian aid. Israel's killing of at least 9 innocent civilians in the course of hijacking of the ships in international waters and kidnapping their passengers has ensured that worldwide attention is, at last, focused on ending the blockade.

Governments around the world are calling upon Israel to do so. When the Security Council met on the evening of the hijacking, that was the clear message from all members of the Council, apart from the US, which described the situation "unsustainable" and went on to say:

"We will continue to engage the Israelis on a daily basis to expand the scope and type of goods allowed into Gaza to address the full range of the population's humanitarian and recovery needs." [\[1\]](#)

(*)

We must emphasise that what is required is, not that Israel allow a little more goods into Gaza, after tortuous negotiations in each instance, but that people and goods, both humanitarian and commercial, be allowed to move freely between Israel and Gaza.

This was provided for in the Agreement on Movement & Access, which Israel signed up to in November 2005. This agreement set out the arrangements that were supposed to operate for the passage of people and goods in and out of Gaza, in order to maintain its economic life, in the wake of Israel's "disengagement" from Gaza a few months earlier.

You can still read the text of the agreement on the Israeli Ministry of Foreign Affairs website [\[2\]](#), where it states clearly that "the passages [crossings] will operate continuously". An associated document by the World Bank [\[3\]](#) states that the "GOI [Government of Israel] has clarified that it will not close a passage due to a security incident unconnected with the passage itself" (p2).

We must emphasise in our demands that the crossings must operate continuously, not just when Israel takes the notion to open them and not just for the transfer of the goods that Israel decides. Any increase in humanitarian aid and other goods going into Gaza is to be welcomed, but if the Gazan economy, which has been destroyed by the Israeli blockade, is ever to revive, it must be possible to import and export commercial goods.

As the new UK Foreign Secretary, William Hague, told the House of Commons on 2 June 2010:

"It is essential that there be unfettered access not only to meet the humanitarian needs of the people of Gaza, but to enable the reconstruction of homes and livelihoods and permit trade to take place. The Palestinian economy,

THE BLOCKADE OF GAZA MUST BE LIFTED - COMPLETELY

whether in Gaza or on the West Bank, is an essential part of a viable Palestinian state which I hope will one day live alongside Israel in peace and security. ” [\[4\]](#)

The Agreement on Movement & Access also provides for

- the reduction of obstacles to movement within the West Bank
- bus and truck convoys between the West Bank and Gaza
- the building of a new seaport in Gaza
- re-opening of the airport in Gaza

We must emphasise in our demands that all these arrangements must be implemented as well.

The EU and Agreement on Movement and Access

The EU has called for the full implementation of the Agreement on Movement and Access. The European Council conclusions on 8 December 2009 stated:

“ The EU again reiterates its calls for an immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza. In this context, the Council calls for the full implementation of the Agreement on Movement and Access. ” [\[5\]](#)

Of course, Israel has ignored countless verbal appeals of this kind. If the EU is serious about the Agreement being implemented, it will have to go beyond verbal appeals and bring other pressures to bear on Israel.

The EU is in position to do so, because it has granted Israel privileged access to the EU market, under the EU-Israel Association Agreement, and around a third of Israel ’s exports are sold into that market. That provides the EU with powerful leverage. It should use it.

The Association Agreement should have been suspended a long time ago because of Israel ’s failure to live up to the human rights obligations in Article 2 of the Agreement, which states:

“ Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement. ”

That says plainly that human rights compliance by Israel is an essential element of the Agreement – not an optional element, nor a desirable element, but an essential element.

THE BLOCKADE OF GAZA MUST BE LIFTED - COMPLETELY

There is not the slightest doubt that Israel has continuously failed to live up to the human rights obligations in Article 2, not least in its blockade of Gaza, which constitutes collective punishment contrary to Article 33 of the 4th Geneva Convention. Under Article 33, an Occupying Power is forbidden from applying “collective penalties” on people under occupation and the blockade’s objective is to exert pressure on the people of Gaza as a whole to reject Hamas.

There are therefore ample grounds for the EU to suspend the Association Agreement if it has a mind to do so. Ireland should take the lead in seeking the suspension. That may cause Israel to honour its obligations under the Agreement on Movement and Access. Verbal appeals certainly won’t.

Hamas

The root justification Israel gives for the collective punishment of the people of Gaza is that Hamas controls it. And Hamas fires rockets and mortars out of Gaza into Israel on a regular basis and is hell bent on destroying Israel. The justification, such as it is, is one of self-defence. The justification is bogus.

It must be emphasised that Israel had a solution to the problem of rocket and mortar firing in 2008 and it chose to throw it away. The solution was the ceasefire agreement it negotiated with Hamas in June 2008. Under this agreement, brokered by Egypt, in exchange for Hamas and other Palestinian groups stopping the firing of rockets and mortars out of Gaza, Israel undertook to lift its economic blockade of Gaza and cease military incursions into Gaza.

Hamas honoured its side of the bargain to the letter, firing no rockets or mortars out of Gaza from 19 June to 4 November 2008 and restraining other groups. So successful was the ceasefire that in the month of October 2008 only 1 rocket and 1 mortar were fired out of Gaza, compared with 153 rockets and 241 mortars in the first 18 days of June, before the ceasefire began.

Despite this overwhelming success, Israel broke the ceasefire on 4 November 2008, by making a military incursion into Gaza and killing 7 members of Hamas, when the world was watching the election of Barack Obama. Operation Cast Lead, and the deaths of over 1,400 people, the vast majority Palestinian, was completely unnecessary in order to protect Israeli citizens from firing out of Gaza. All Israel needed to do was to observe the ceasefire. It chose not to do so.

So, in 2008, Israel had a solution to the problem of rockets and mortars being fired out of Gaza. It chose to throw it away.

(*)

As regards Hamas been committed to the destruction of Israel, it is true that Hamas refuses to recognise Israel as it exists today. But, there is little doubt that, if a state of Israel existed within its 1967 borders, then Hamas would recognise it. Hamas has said as much. For years, Hamas spokesmen have emphasised that they are seeking a long-term truce with Israel, the price being Israeli withdrawal from the West Bank and Gaza.

On 31 July 2009, Hamas leader, Khaled Meshaal, told the Wall Street Journal:

“ We along with other Palestinian factions in consensus agreed upon accepting a Palestinian state on the 1967 lines.

THE BLOCKADE OF GAZA MUST BE LIFTED - COMPLETELY

This is the national program. This is our program. This is a position we stand by and respect. ” [6]

The Wall Street Journal report continues:

“ Khaled Meshaal ... said in a 90-minute interview at Hamas's Syrian headquarters that his political party and military wing would commit to an immediate reciprocal cease-fire with Israel, as well as a prisoner swap that would return Hamas fighters for kidnapped Israeli soldier Gilad Shalit.

“ He also said his organization would accept and respect a Palestinian state based on 1967 borders as part of a broader peace agreement with Israel—provided Israeli negotiators accept the right of return for millions of Palestinian refugees and the establishment of a capital for the Palestinian state in East Jerusalem. ”

That is a clear indication that Hamas is prepared to accept a Palestinian state within the 1967 borders. There is a good case for saying that the blockage in the road to a “two-state solution” is not Hamas ’ unwillingness to tolerate the continued existence of an Israeli state, but Israel ’ s unwillingness to tolerate the creation of a Palestinian state in the 1967 borders.



“The EU again reiterates its calls for an immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza. In this context, the Council calls for the full implementation of the Agreement on Movement and Access.”

References:

- [1] www.un.org/Depts/dhl/resguide/scact2010.htm
- [2] www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Agreed+documents+on+movement+and+access+from+and+to+Gaza+15-Nov-2005.htm
- [3] siteresources.worldbank.org/INTWESTBANKGAZA/Resources/AgreementMovementAccess.pdf
- [4] www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100602/debtext/100602-0004.htm
- [5] domino.un.org/unispal.nsf/0/ec5fa6e2821e510d85257686005072e0
- [6] online.wsj.com/article/SB124899975954495435.html

JUNE 2010